

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|--------------------|---|-----------------------|
| JAMALL L. VAUGHN, |) | CASE NO. 5:18-cv-1439 |
| |) | |
| |) | |
| PETITIONER, |) | JUDGE SARA LIOI |
| |) | |
| vs. |) | |
| |) | MEMORANDUM OPINION |
| WARDEN ED SHELDON, |) | |
| |) | |
| |) | |
| RESPONDENT. |) | |

Petitioner Jamall Vaughn (“petitioner” or “Vaughn”) filed the instant action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254 (“petition”). (Doc. No. 1.) Before the Court is the report and recommendation of the magistrate judge recommending that the petition be dismissed, as well as Vaughn’s request for a new trial, transfer back to juvenile court, and an evidentiary hearing. (Doc. No. 23 at 12.¹)

Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

A copy of the R&R was mailed to Vaughn at his address of record on July 2, 2021, and the mailing has not been returned to the Court as undeliverable. More than fourteen

¹ Page number references are to the page numbers assigned to each individual document by the Court’s electronic filing system.

days have elapsed, and petitioner has neither filed a response to the R&R nor sought an extension of time to do so. The failure to file written objections to a magistrate judge's report and recommendation constitutes a waiver of a de novo determination by the district court of any issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the magistrate judge's report and recommendation and adopts the same. Accordingly, the petition DISMISSED and petitioner's requests for a new trial, transfer back to juvenile court, and an evidentiary hearing are also dismissed.

The Court CERTIFIES that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b). This case is closed.

IT IS SO ORDERED.

Dated: July 21, 2021



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE